

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROGELIO MAY RUIZ.

Plaintiff,

V.

A. SHEARER, et al.,

Defendants.

No. 2:20-cv-02078-TLN-DB

ORDER

Plaintiff Rogelio May Ruiz (“Plaintiff”), a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 26, 2021, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within thirty days. (ECF No. 20.) On May 26, 2021, Plaintiff filed Objections to the Findings and Recommendations. (ECF No. 23.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(f), this Court has conducted a *de novo* review of this case. *See McDonnell Douglas Corp. v. Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982); *see also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). Having reviewed the file under the

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1 applicable legal standards, the Court finds the Findings and Recommendations to be supported by
2 the record and by the magistrate judge's analysis.

3 The Court is somewhat perplexed as to why Plaintiff filed the instant objections in
4 Spanish, despite his demonstrated ability to submit all prior filings in English. Nonetheless, the
5 Court has carefully considered Plaintiff's objections to the magistrate judge's previous findings
6 that at least three of Plaintiff's prior actions constituted "strikes" under 28 U.S.C. § 1915(g) and
7 the imminent danger exception did not apply. (*See generally* ECF Nos. 10, 23.) Such arguments
8 have also been raised and considered in Plaintiff's previous objections to findings and
9 recommendations and motion for reconsideration. (*See* ECF Nos. 11, 13, 14, 17.) For the same
10 reasons previously discussed, Plaintiff's objections are overruled.

11 Accordingly, IT IS HEREBY ORDERED that:

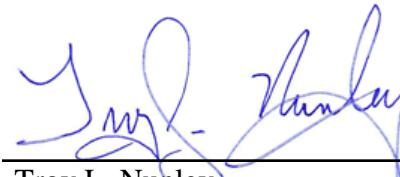
12 1. The Findings and Recommendations filed April 26, 2021 (ECF No. 20), are
13 ADOPTED IN FULL; and
14 2. This action is DISMISSED without prejudice.

15 The Clerk of the Court is directed to close this case.

16 IT IS SO ORDERED.

17 DATED: July 1, 2021

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Troy L. Nunley
United States District Judge

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